

REMARKS

As a preliminary matter, Applicants appreciate the Examiner's willingness to discuss this application *via* telephone with Applicants' representative on December 9, 2009.

Claims 1-20, 23, 24, 27-31, 33, 46-50, 52-54, 62, 63 and 65-122 are pending. Of these, claims 46-50 and 52-54 are pending and withdrawn. *For purposes of expedited prosecution*, claims 3, 9, 15, 24, 77, 83, 89 and 96 have been canceled. Claims 1, 2, 5, 8, 12, 14, 19, 46, 47, 53, 54, 75, 76, 86, 88, 93, 103, 104, 109, 110 and 116 have been amended. Claims 123-126 have been added. Accordingly, upon entry of the present amendment, claims 1, 2, 4-8, 10-14, 16-20, 23, 27-31, 33, 46-50, 52-54, 62, 63, 65-76, 78-82, 84-88, 90-95, 97-126 will be pending upon entry of the present amendment.

Claims 1, 2, 14, 53, 75, 76, 88 and 109 have been amended to replace the term "protected hydroxyl" with the term "hydroxyl with an oxygen protecting group." Support for this amendment is found at least, for example, at paragraph [0180] in the application as filed.

Claims 1 and 75 have been amended to delete the provision, "wherein R₈ and R₉ may, when taken together, form a... ring."

Claims 14 and 88 have been amended to delete the provision, "wherein R₁₃ and R₈ may, when taken together, form a... ring."

Claims 1, 14 and 88 have been amended in order to replace the term "Troc" with the term "2,2,2-trichloroethoxycarbonyl."

Claims 52 and 108 have been amended to specify that R₈ is hydrogen. Support for this amendment is found at least, for example, at paragraph [0150] in the application as filed.

Claims 54 and 110 have been amended in order to replace the terms "Bn", "PMB (MPM)" and "3,4-ClBn" with the terms "benzyl", "para-methoxybenzyl" and "3,4-dichlorobenzyl", respectively.

Claims 5, 12, 19, 79, 86 and 93 have been amended in order to specify that R₄ is hydrogen. Support for this amendment is found at least, for example, at paragraph [0120] of the application as filed.

Claims 1, 14, 75 and 88 have been amended in order to specify that n is 1. Support for this amendment is found at least, for example, at paragraph [0129] of the application as filed.

Claims 12, 19, 86 and 93 have been amended to delete the phrase "n is 1".

Claims 46 and 103 have been amended in order to specify that R₁ is methyl. Support for this amendment is found at least, for example, at paragraph [0111] of the application as filed.

Claims 47 and 104 have been amended in order to specify that R₄ is halogen in the compositions of claims 2 and 76, respectively. Support for this amendment is found in original claim 1.

Claims 1, 2, 14, 75, 76 and 88 have been amended to delete the term “occurrences.”

Claims 68, 70, 116 and 118 have been amended to replace the phrase “having the structure” with the phrase “wherein the compound is.”

Claims 3, 9, 15, 24, 77, 83, 89 and 96 have been canceled, as they are redundant in view of the above amendments.

Finally, new claims 123-126 are drawn to the compositions of claims 8, 14, 82 and 88, respectively, wherein R₄ is hydrogen. Support for these claims is found at least, for example, in original claims 1 and 14, and at paragraph [0120] of the application as filed.

The foregoing claim amendments have been made solely for the purpose of expediting prosecution of the present application and should in no way be construed as acquiescence to any of the Examiner’s rejections in this or in any other Office Action issued in the present application. Applicants reserve the right to pursue the subject matter of the present claims prior to being amended herein in this application or in another related application.

In view of the foregoing claim amendments and the arguments set forth below, Applicants respectfully submit that the claims are now in condition for allowance.

Claim Rejections – 35 U.S.C. § 112

Claims 1-2, 14, 75-76, 88 and 109 were rejected under 35 U.S.C. § 112 for recitation of the terms “protected hydroxyl”, “one or more occurrences” and “Troc”. The Examiner stated that the terms were vague and indefinite. Applicants respectfully disagree. However, as discussed with the Examiner, and *solely for the purpose of expedited prosecution*, Applicants have amended the claims to replace the term “protected hydroxyl” with the term “hydroxyl with an oxygen protecting group.” Support for this amendment is found, for example, in pending claims 1, 14, 75 and 88, and in the application as published at paragraph [0180]. Also as discussed with the Examiner, and *solely for the purpose of expedited prosecution*, Applicants have replaced the term “one or more occurrences” with the term “one or more”. Finally, the

meaning of the term “Troc” is well known to those of ordinary skill in the art. However, as discussed with the Examiner, and *solely for the purpose of expedited prosecution*, the term “Troc” has been replaced with the term “2,2,2-trichloroethoxycarbonyl”. Support for this amendment is found in the published application at paragraph [0180], wherein the text ‘Protective Groups in Organic Synthesis’ Third Ed. Greene, T. W. and Wuts, P. G., Eds., John Wiley & Sons, New York: 1999, is incorporated by reference. The term “Troc” is defined in this text as “2,2,2-trichloroethoxycarbonyl.” The appropriate section of the reference text is attached to this response as Appendix A.

Claim 110 was rejected for recitation of the terms “Bn”, “PMB (MPM)” and “3,4-ClBn”. The Examiner stated that the terms were vague and indefinite. Applicants respectfully disagree. The meanings of the terms “Bn”, “PMB (MPM)” and “3,4-ClBn” are well known to those of ordinary skill in the art, and the benzyl and 3,4-dichlorobenzyl compounds are exemplified in the published application at page 47 and 49, respectively. However, as discussed with the Examiner, and *solely for the purpose of expedited prosecution*, Applicants have amended the claims to replace the terms “Bn”, “PMB (MPM)” and “3,4-ClBn” with the terms “benzyl”, “para-methoxybenzyl” and “3,4-dichlorobenzyl”, respectively. Support for these amendments is found in the published application at paragraph [0180], wherein the text ‘Protective Groups in Organic Synthesis’ Third Ed. Greene, T. W. and Wuts, P. G., Eds., John Wiley & Sons, New York: 1999, is incorporated by reference. In this text, the term “Bn” is defined as “benzyl”, and the terms “PMB and MPM” are defined as “para-methoxybenyl”. The appropriate section of the referenced text is attached to this response as Appendix A.

Amendments to Variable Combinations R₈ and R₉, and R₁₃ and R₈

As discussed with the Examiner, Applicants have amended claims 1 and 75 to delete the provision, “wherein R₈ and R₉ may, when taken together, form a... ring.” Additionally, Applicants have amended claims 14 and 88 to delete the provision, “wherein R₁₃ and R₈ may, when taken together, form a... ring.” It is Applicants understanding that these definitions, as well as the compounds excluded by way of these amendments, may be pursued in a later filed application.

Request for Rejoinder of Claims 46-50 and 52-54

Applicants respectfully request rejoinder of withdrawn claims 46-50 and 52-54 at least for the following reasons.

As discussed during the telephone interview of December 9, 2009, Applicants submit that Group IV of the Restriction Requirement of February 23, 2007 should have also included dependent claims 46-50 and 52-54. Applicants also submit that currently withdrawn dependent claims 46-50 and 52-54 fall within the scope of claim 1 as amended (*i.e.*, the definitions of claims 46-50 and 52-54 do not require that variables Y or Z of claim 1 be carbonyl).

Accordingly, because claims 46-50 and 52-54 and the currently pending claims are directed toward a single, inventive concept, and examining claims 46-50 and 52-54 would not present a search burden, Applicants respectfully request that these claims be rejoined.

CONCLUSION

In view of the above remarks, it is believed that this application is in condition for allowance. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 227-7400.

A request for an extension of time is being filed herewith. If any additional fees are due, please charge our Deposit Account No. 12-0080, under Order No. EISN-018CPRCE from which the undersigned is authorized to draw.

Dated: May 10, 2010

Respectfully submitted,

Electronic signature: /Brian C. Trinke, Ph.D./
Brian C. Trinke, Ph.D.
Registration No. 56,593
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant